

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATIONWIDE MUTUAL  
INSURANCE COMPANY,

ORDER

Petitioner,

08-cv-673-bbc

v.

WESTCHESTER FIRE  
INSURANCE COMPANY,

Respondent.  
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Petitioner Nationwide Mutual Insurance Company has brought an application to confirm an arbitration award pursuant to 9 U.S.C. § 9. In an order entered December 31, 2009, I ordered petitioner to submit proof of diversity citizenship to establish grounds that would allow the court to exercise subject matter jurisdiction over this case. Petitioner has now responded, submitting evidence that petitioner and respondent are corporations with diverse states of citizenship and that the amount in controversy is more than \$75,000. Therefore, I conclude that jurisdiction is present under 28 U.S.C. § 1332.

Next, petitioner has moved to seal its motion to confirm the arbitration award in an

effort to comply with a confidentiality order entered by the panel that entered the arbitration award. That motion will be granted.

Finally, petitioner's motion for an order and judgment confirming a November 13, 2008 arbitration award against respondent Westchester is now ripe for review. Petitioner alleges that the parties had an agreement allowing entry of judgment pursuant to an arbitration award, that petitioner's request for confirmation comes within one year after an arbitration award was made pursuant to that agreement, that the award has not been vacated, modified or corrected and that respondents have been served with notice of the award. After an opportunity to respond, respondent has not disputed petitioner's allegations or otherwise opposed petitioner's request for confirmation. Therefore, I will confirm the arbitration award and enter judgment in petitioner's favor on the award. A copy of the award is attached to this order.

#### ORDER

IT IS ORDERED that

1. Petitioner Nationwide Mutual Insurance Company's motion to seal its motion to confirm the arbitration award, dkt. #1, is GRANTED.
2. Petitioner's motion to confirm the November 13, 2008 arbitration award, dkt. #2, is GRANTED.

3. The clerk is directed to enter judgment for petitioner on the November 13, 2008 arbitration award.

Entered this 3<sup>rd</sup> day of February, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge